

February 2, 2016



San Luis Obispo County Planning Commission  
976 Osos Street  
Room 200  
San Luis Obispo, California 93408

**Re: Phillips 66 Development Plan / Coastal Development Permit.**

Honorable Planning Commissioners,

The Morro Coast Audubon Society, MCAS, appreciates this opportunity to provide written comment on the request by Phillips 66 for a Development Plan/Coastal Development Permit. This Phillips 66 proposal conflicts with the MCAS Mission Statement – “to promote the appreciation, conservation, and restoration of ecosystems focusing on the biological diversity of birds and other wildlife and their habitats.”

MCAS urges you to follow the recommendation of your Department of Planning and Building Staff to deny this proposal.

There has been momentous local, regional and statewide concern expressed regarding this application by Phillips 66 including risk of derailment, spill and explosion; threat of impacts to biological, agricultural and water resources; toxic air emissions; and the inadequate fire and emergency response services along the rail line throughout California in the event of a spill, fire, or explosion.

MCAS shares these significant concerns, and agrees that this proposal poses an enormous safety risk to communities in the path of oil trains they would serve. However, even more importantly, we believe projects such as this are clearly a threat to our shared climate.

**Climate Change**

Phillips 66 will obtain crude oil from sources such as Canadian tar sands crude from Alberta – one of the world’s dirtiest and most environmentally destructive fossil fuels. The extraction, transportation, refinement, and burning of tar sands oil increase CO2 levels and exacerbates climate change. According to a recent U.S. Environmental Protection Agency assessment, tar sands well-to-tank emissions are approximately 82% higher than conventional oil.

It is important to note, that the increase in CO2 from tar sands oil versus conventional oil does not include the carbon sequestered in the forests, wetlands, soils, and other biomass that are disturbed to access the tar sands – for extracting and refining tar sands is the most polluting and carbon intensive oil process on earth – requiring vast destruction within the Canadian Boreal forest, one of the few large, intact ecosystems on earth.

San Luis Obispo County should not condone one of the most environmentally destructive projects on earth – the Canadian tar sands. For when we expand our use of these dirty fuels we jeopardize the gains we make combatting climate change.

As bad as the impacts of extraction, transportation, and refinement already are – a byproduct of this process is a major source of climate change carbon emissions – petroleum coke, known as petcoke. Petcoke is like coal, but dirtier as it has higher carbon emissions than already carbon intensive coal. Petcoke's black dust contains high concentrations of heavy metals which humans are exposed to when they breathe dust blown from piles of petcoke.

Increasing petcoke use is a clear result of increasing production of tar sands bitumen. Factored into the equation, petcoke puts another strong nail into the coffin of any argument for the further exploitation of the tar sands. Permitting this crude-by-rail project would be permitting climate change. San Luis Obispo County should not endorse, or participate in this process, but rather take a lead role in promoting clean and renewable energy sources.

MCAS believes that this project, along with the more than thirty-five new crude-by-rail proposals alone in the United States, will exacerbate climate change.

Since its founding in 1966, MCAS has always stood for birds – and we believe climate change is also a bird issue. The National Audubon Society has recently completed a seven-year study of the likely effects of climate change on North American bird populations. The numbers are stark: of the 588 species studied, 314 are likely to find themselves in dire straits by the year 2080 – unless we start to consider the future and begin to reduce the severity of global warming and buy birds more time to adapt to the changes coming their way.

### **Significant and Unavoidable Impacts**

We are alarmed that this Phillips 66 proposal would create twelve Class 1 Impacts, and we are concerned about all of these significant and unavoidable impacts. Here we note some of the biological impacts. Statewide along the rail line currently a minimum of 167 sensitive plant species and 219 sensitive animal species are documented within 300 feet on each side of the rail line. Along the railroad main line state wide a minimum of 411 streams and rivers are located within 300 feet of the main line, along with a minimum of 26 waterbodies and 578 wetlands. San Luis Obispo County has a

minimum of 76 streams and crossings identified along the main line, including Stenner, Arroyo Grande, San Luis Obispo, and Pismo Creeks. A major concern for us is that these trains, the heaviest trains on the tracks, will be running over our county's precious water resources.

The twelve significant and unavoidable Class 1 impacts, we believe, should doom this proposal. That is unless decision makers determine that these Class 1 impacts are outweighed by economic, legal, or social benefits. MCAS agrees with the County Planning Staff in that any economic, legal, or social benefits do not outweigh the significant environmental impacts identified in the Final EIR.

As decision makers, by law, you must consider the applications consistency with San Luis Obispo County General Plan. It is your Planning Staff's determination that this project is inconsistent with numerous key policies and requirements of the County General Plan. In addition, the required findings for issuance of the Development Plan and Coastal Development Permit cannot be made based on County Staff's review.

### **Adequacy of Oil Spill Responsiveness.**

A critique of oil spill response efforts that was released in December 2015 by the National Academy of Sciences concludes responsive efforts are not adequate when it comes to spills involving crude from Canadian tar sands. The report's main message is that this thick type of oil called diluted bitumen, or 'dilbit' initially behaves like conventional oil in the first few days following a spill, but then quickly degrades into a substance so chemically and physically different that it defies standard spill responses.

The report recommends tailoring spill response plans by oil type – a stark contrast to the reassurances often given by energy companies that dilbit doesn't need special regulations. This report punches holes in the oil industry's "oil-is-oil" talking point – making it clear that diluted bitumen is a different beast altogether and needs to be treated as such.

The authors, a collection of nearly a dozen oil spill experts from academia and industry in the U.S. and Canada state, "When all risks are considered systematically, there must be a greater level of concern associated with spills of diluted bitumen compared to spills of commonly transported crude oils." (1).

(1). National Academies of Sciences, Engineering, and Medicine. Spills of Diluted Bitumen From Pipelines: A Comparative Study of Environmental Fate, Effects, and Response. Washington DC: The National Academies Press, 2015.

## Conclusion

Two months ago, in Paris, world leaders reached a historic agreement that provides a concrete framework to reduce carbon emissions. This is an extremely important first step – but let us not take two steps backward and approve a project that clearly fails the climate test. Let us not approve a project that brings little public benefit compared to the incalculable long term risks to the health and safety of San Luis Obispo County residents, wildlife, and their habitable environment.

Respectively submitted,

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